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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,¹ approved by the Secretary of Agriculture, September 25, 1939, shall be considered surplus foods:

The area within the county limits of Salt Lake County, Utah, effective 12:01 A. M., E. S. T., October 23, 1939.

The city limits of Allentown, Pennsylvania and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The city limits of Bethlehem, Pennsylvania and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The effective date for the Allentown, Pennsylvania and Bethlehem, Pennsylvania areas shall be announced by the local representative of the Federal Surplus Commodities Corporation in local newspapers of general circulation.

[SEAL] MILO PERKINS,
 President, Federal Surplus
 Commodities Corporation.

OCTOBER 24, 1939.

[F. R. Doc. 39-4017; Filed, October 30, 1939; 12:55 p. m.]

¹ 4 F.R. 4045 DI.

AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 724—BURLEY TOBACCO

FINDINGS AND DETERMINATIONS WITH RESPECT TO NATIONAL MARKETING QUOTA, MARKETING YEAR BEGINNING OCTOBER 1, 1940

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level thereof, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

And whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins.

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Tobacco (Burley), October 1-September 30

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

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"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.":

Now, therefore, be it known that I, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by section 312 of the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics¹ of the Federal Government, do hereby find, determine, specify, and proclaim that:

§ 724.201 *Findings and determinations with respect to national marketing quota for Burley tobacco, for marketing year beginning October 1, 1940.* (a) *Reserve supply level.* The reserve supply level of Burley tobacco is 1,003,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year for such tobacco beginning October 1, 1939, was 1,046,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed, which will make available during the marketing year beginning October 1, 1940, a supply of such tobacco equal to the reserve supply level of such tobacco, is 292,000,000 pounds. (Sec. 312 (a), 52 Stat. 46; 7 U.S.C. Sup. IV, 1312; as amended by 53 Stat. 1261)

¹ Rounded to the nearest 1,000,000 pounds.

Done at Washington, D. C., this 28th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

[F. R. Doc. 39-4003; Filed, October 28, 1939; 12:20 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

BUREAU OF ANIMAL INDUSTRY

[B. A. I. Order 371¹]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

Under authority vested in the Secretary of Agriculture by law the following regulations are issued for the purpose of preventing the introduction from foreign countries into the United States of communicable diseases of livestock. These regulations supersede all previous regulations governing the sanitary control of animal byproducts, hay and straw offered for importation and shall become effective on February 1, 1940.

Done at Washington this 27th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

HARRY L. BROWN,
Acting Secretary of Agriculture.

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES *

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- 95.13 Bone meal, blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for unrestricted entry.
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- 95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.

¹ Supersedes B.A.I. Order 341 and all amendments (3 F.R. 2595 DI) thereto.

*Secs. 95.1 to 95.27, inclusive, issued under the authority contained in Sec. 2, 32 Stat. 792; 21 U.S.C. 111.

Sec.

- 95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.
- 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.
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- 95.27 Regulations applicable to products from territorial possessions.

Regulation 1

§ 95.1 *Definitions.* Whenever in these regulations the following words, names, or terms are used they shall be construed, respectively, to mean:

(a) *Department.* United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry, United States Department of Agriculture.

(c) *Chief of Bureau.* Chief of the Bureau of Animal Industry.

(d) *Inspector.* An inspector of the Bureau of Animal Industry.

(e) *Consular officer.* A consular officer of the United States of America.

(f) *Approved establishment.* An establishment approved by the Bureau for the receipt and handling of restricted import animal byproducts.

(g) *Approved warehouse.* A warehouse having facilities approved by the Bureau for the handling and storage, apart from other merchandise, of restricted import products.

(h) *Approved chlorinating equipment.* An equipment approved by the Bureau as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

(i) *Approved sewerage system.* A drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Bureau.

(j) *Animal byproducts.* Hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

(k) *Glue stock.* Fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

(l) *Bone meal.* Ground or crushed animal bones.

(m) *Blood meal.* Dried blood of animals.

(n) *Meat meal or tankage.* The rendered and dried carcasses or parts of the carcasses of animals.

(o) *Hay and straw.* Dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

Regulation 2

§ 95.2 *Country of origin.* No products or materials specified in these regulations shall be imported unless there be shown upon the consular invoice, or in some other manner satisfactory to the Chief of Bureau, the name of the country of origin of such product or material: *Provided*, That the country of origin shall be construed to mean (a) in the case of an animal byproduct, the country in which such product was taken from an animal or animals, and (b) in the case of other materials, the country in which such materials were produced.

Regulation 3

§ 95.3 *Byproducts from diseased animals prohibited.* The importation of any animal byproduct taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

Regulation 4

§ 95.4 *Importations from Canada.* No requirements or condition of the following regulations shall be construed to apply to products or materials specified in this order, originating in Canada and imported directly therefrom. Such products and materials not originating in but imported into the Dominion of Canada from another foreign country may be imported therefrom into the United States without compliance with the following regulations, when accompanied by a certificate signed by a veterinarian in the employ of and receiving a salary from the Canadian Government stating that they have been imported into Canada in full compliance with the Canadian regulations, provided such regulations are found by the Bureau to be the substantial equivalent of those contained in this order.

Regulation 5

§ 95.5 *Untanned hides and skins; requirements for unrestricted entry.* Untanned hides and/or skins of cattle, buffalo, sheep, goats, other ruminants, and swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) following shall not be imported except subject to handling and treatment in accordance with section 95.6 of this order after arrival at the port of entry:

(a) Hides or skins originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease

or rinderpest may be imported without further restriction.

(b) Hides or skins may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to be hard dried hides or skins.

(c) Abattoir hides or skins taken from animals slaughtered under national government inspection in a country² and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that they have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of such national government and signed by an official veterinary inspector of such country showing that the therein described hides or skins were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been pickled in a solution of salt containing mineral acid and packed in barrels, casks, or tight cases while still wet with such solution.

(e) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been treated with lime in such manner and for such period as to have become dehaired and to have reached the stage of preparation for immediate manufacture into products ordinarily made from rawhide.

Regulation 6

§ 95.6 *Untanned hides and skins; importations permitted subject to restrictions.* Hides or skins offered for importation which do not meet the conditions or requirements of section 95.5 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Chief of Bureau may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however*, That upon permission of the Chief of Bureau such hides or skins may be stored for a temporary period in ap-

² Names of countries of this character will be furnished upon request.

proved warehouses under bond, and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of hides or skins may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port in the United States for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the approved establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to the inspector in charge at the port of entry.

(c) They shall be handled at the approved establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said hides and skins from the port of arrival to the said establishment.

Regulation 7

§ 95.7 *Wool, hair and bristles; requirements for unrestricted entry.* Wool, hair, or bristles derived from ruminants and/or swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) following shall not be imported except subject to handling and treatment in accordance with section 95.8 of this order after their arrival at the port of entry: *Provided, however*, That no bloodstained wool, hair, or bristles shall be imported under any condition:

(a) Such wool, hair, or bristles may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Wool or hair clipped from live animals or pulled wool or hair may be imported without other restriction if the said wool or hair is reasonably free from animal manure in the form of dung locks or otherwise.

(c) Wool, hair, or bristles taken from sheep, goats, cattle, or swine, when such animals have been slaughtered under national government inspection in a country² and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found

at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described wool, hair, or bristles were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Wool, hair, or bristles which have been scoured, thoroughly washed, or dyed may be imported without other restriction.

(e) Wool, hair, or bristles from a disinfecting station of a national government, methods of disinfection at which have been approved by the Secretary of Agriculture, may be imported without other restriction if accompanied by a certificate of the director or other accredited official of such station showing that said wool, hair, or bristles covered by the consular invoice specified in said certificate have been subjected to the scouring and disinfecting process required at such station for the disinfection of wool or hair.

Regulation 8

§ 95.8 *Wool, hair, and bristles; importations permitted subject to restrictions.* Wool, hair, or bristles offered for importation which do not meet the conditions or requirements of section 95.7 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) Such wool, hair, or bristles shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however*, That upon permission by the Chief of Bureau such wool, hair, or bristles may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of wool, hair, or bristles may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry, subject to the other provisions of this section.

(b) Such wool, hair, or bristles shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases acceptable to an inspector.

(c) Such wool, hair, or bristles shall be handled at the establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. Such products shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said wool, hair, or bristles from the port of arrival to the said establishment.

Regulation 9

§ 95.9 *Glue stock; requirements for unrestricted entry.* Glue stock which does not meet the conditions or requirements specified in any one of paragraphs (a) to (c) following shall not be imported except subject to handling and treatment in accordance with section 95.10 of this order after arrival at the port of entry:

(a) Glue stock originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Glue stock may be imported without other restriction is found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been properly treated by acidulation or by soaking in milk of lime or a lime paste; or to have been dried so as to render each piece of the hardness of a sun-dried hide.

(c) Glue stock taken from cattle, sheep, goats, or swine slaughtered under national government inspection in a country² and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described glue stock was taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

Regulation 10

§ 95.10 *Glue stock; importations permitted subject to restrictions.* Glue stock offered for importation which does not meet the conditions or requirements of section 95.9 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) It shall be consigned from the coast or border port of arrival to an

² Names of countries of this character will be furnished upon request.

approved establishment and shall be subject to disinfection by such method or methods as the Chief of Bureau may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission by the Chief of Bureau glue stock may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of glue stock may go forward under customs seals from a coast or border port of arrival with the approval of an inspector at said port to another port for consumption entry, subject, after arrival at the latter port, to the other provisions of this section.

(b) It shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at port of entry.

(c) It shall be handled at the establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. It shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said glue stock from the port of arrival to the said establishment.

Regulation 11

§ 95.11 *Bones, horns, and hoofs; requirements for unrestricted entry.* Bones, horns, and hoofs of ruminants and swine which do not meet the conditions or requirements specified in paragraph (a) or (b) following shall not be imported except subject to handling and treatment in accordance with section 95.12 of this order after arrival at the port of entry.

(a) Bones, horns, and hoofs originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Clean, dry bones, horns, and hoofs that are free from undried pieces of hide, flesh, and sinew may be imported without other restriction.

Regulation 12

§ 95.12 *Bones, horns, and hoofs; importations permitted subject to restrictions.* Bones, horns, and hoofs offered for importation which do not meet the

conditions or requirements of section 95.11 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment having facilities for their disinfection or their conversion into products customarily made from bones, horns, or hoofs: *Provided, however,* That I. T. or in-bond shipments of bones, horns, or hoofs may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Chief of Bureau or burned at the establishment. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said bones, horns, and hoofs.

Regulation 13

§ 95.13 *Bone meal, blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for unrestricted entry.* Dried blood or blood meal, lungs or other organs for use as fertilizer or as feed for domestic animals, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported. Tankage, meat meal, bone meal, horn meal, hoof meal, wool waste, wool manure, and similar products for use as fertilizer or as feed for domestic animals, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.14 of this order after their arrival at the port of entry.

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without other restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° F. (68.9° C.)

Regulation 14

§ 95.14 *Tankage, bone meal and similar products for use as fertilizer or as feed for domestic animals; importations permitted subject to restrictions.* Tankage, meat meal, bone meal, horn meal, hoof meal, wool waste, wool manure, and similar products which do not meet the conditions or requirements of section 95.13 of this order shall be quarantined in an approved warehouse for at least 90 days or disinfected at the port of entry, together with the bags or other containers thereof, and shall be otherwise handled as directed by the Chief of Bureau.

Regulation 15

§ 95.15 *Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.* Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.16 of this order:

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without further restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° F. (68.9° C.)

Regulation 16

§ 95.16 *Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.* Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements of section 95.15 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Chief of Bureau they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of such products may go forward under customs seals from a coast or border port of arrival,

with the approval of an inspector at said port, to another port for consumption entry, subject after arrival at the latter port to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by Bureau inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said products from the port of arrival to the said establishment.

Regulation 17

§ 95.17 *Glands, organs, ox gall, and like materials; requirements for unrestricted entry.* Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products, which do not meet conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.18 of this order:

(a) Such glands, organs, or materials may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Such glands, organs, or materials may be imported without other restriction if accompanied by the certificate of a consular officer showing that in process of preparation the particular product was subjected to a temperature of not less than 156° F. (68.9° C.)

Regulation 18

§ 95.18 *Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.* Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, which do not meet the requirements of section 95.17 of this order may be imported for pharmaceutical purposes if in tight containers and consigned to an approved establishment: *Provided, however,* That upon special permission of the Chief of Bureau they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector. They

shall be handled and processed at the said establishment in a manner approved by the Chief of Bureau and the containers shall be destroyed or disinfected as prescribed by him. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said glands, organs, ox gall, and like materials from the port of arrival to the said establishment.

Regulation 19

§ 95.19 *Animal stomachs.* Stomachs or portions of the stomachs of ruminants or swine, other than those imported for food purposes under the meat-inspection regulations of the Department, shall not be imported without permission from the Chief of Bureau. Importations permitted shall be subject to such restrictions as the Chief of Bureau may deem necessary in each instance.

Regulation 20

§ 95.20 *Animal manure.* Manure of horses, cattle, sheep, other ruminants, and swine shall not be imported except upon permission from the Chief of Bureau. Importations permitted shall be subject to such restrictions as he may deem necessary in each instance: *Provided, however,* That manure produced by animals while in transit to the United States shall be subject only to the requirements of the Department regulations governing the importation of domestic livestock and other animals.

Regulation 21

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) following shall not be imported except subject to handling and treatment in accordance with section 95.22 of this order after arrival at the port of entry.

(a) Hay or straw may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Hay or straw packing materials may be imported without other restriction if accompanied by a certificate of a consular officer showing that the said material had been disinfected by placing it loosely in a tight compartment and subjecting it to the action of live steam, in all parts of which compartment a temperature of not less than 176° F. (80° C.) was maintained for at least 10 minutes, or by placing it loosely in a tight compartment having a temperature of not less than 65° F. (19° C.) and spraying over and into the hay or straw 10 fluid ounces of formaldehyde solution (containing not less than 37 per cent formaldehyde by weight) for each 1,000 cubic feet of space in said compartment, which was immediately closed in a manner to prevent the escape of the formaldehyde

vapor and kept closed for not less than 8 hours.

(c) Hay or straw packing materials may be imported without other restriction if a certificate of the shipper appears on the consular invoice showing that such packing material was obtained from a disinfecting station, the methods of disinfection at which have been approved by the United States Department of Agriculture, and giving the names of the said disinfecting station and the factory or establishment where the merchandise covered by the invoice was packed: *Provided, however,* That in the case of goods unaccompanied by a consular invoice a like certificate appearing on the commercial invoice will be acceptable.

Regulation 22

§ 95.22 *Hay and straw; importations permitted subject to restrictions.* Hay or straw which does not meet the conditions or requirements of section 95.21 of this order shall be handled and treated in the following manner upon arrival at the port of entry:

(a) Hay or straw packing materials shall be burned or disinfected at the expense of the importer or consignee in the manner and at the time directed by the Chief of Bureau.

(b) Hay or straw for use as feeding material, bedding, or similar purposes shall be stored and held in quarantine for a period of not less than 90 days in an approved warehouse at the port of entry and shall be otherwise handled as directed by the Chief of Bureau.

Regulation 23

§ 95.23 *Previously used meat covers; conditions prohibiting importation.* The importation of any cloth or burlap which has been used to cover fresh or frozen meats originating in any country declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest is prohibited.

Regulation 24

§ 95.24 *Methods for disinfection of hides, skins, and other materials.* Hides, skins, and other materials required by these regulations to be disinfected shall be subjected to disinfection by methods found satisfactory and approved from time to time by the Chief of Bureau.

Regulation 25

§ 95.25 *Transportation of restricted import products; placarding cars and marking billing; unloading en route.* Transportation companies or other operators of cars, trucks or other vehicles carrying import products or materials moving under restriction, other than those in tight cases or casks, shall affix to and maintain on both sides of all such vehicles durable placards not less than 5½ by 6 inches in size, on which shall be printed with permanent black ink and in boldface letters not less than 1½ inches in height the words "Restricted import product." These placards shall also bear

the words "Clean and disinfect this car or truck." Each of the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall have the words "Restricted import product, clean and disinfect car or truck," plainly written or stamped upon its face. If for any reason the placards required by this regulation have not been affixed to each card, or the billing has not been marked by the initial or the connecting carrier, or the placards have been removed, destroyed, or rendered illegible, the placards shall be immediately affixed or replaced and the billing marked by the initial or connecting carrier, the intention being that the billing accompanying the shipment shall be marked and each car, truck or other vehicle placarded as herein specified from the time such shipment leaves the port of entry until it is unloaded at final destination and the cars, trucks or other vehicles are cleaned and disinfected as required by section 95.26 of this order.

If it is necessary to unload enroute any of the materials or products transported in a placarded car, truck or other vehicle as hereinbefore provided in this section, the car, truck or other vehicle from which the transfer is made and any part of the premises in or upon which the product or material may have been placed in the course of unloading or reloading shall be cleaned and disinfected by the carrier, in accordance with the provisions of section 95.26 of this order, and the said carrier shall immediately report the matter, by telegraph, to the Chief of the Bureau of Animal Industry, Washington, D. C. Such report shall include the following information: Nature of emergency; place where product or material was unloaded; original points of shipment and destination; number and initials of the original car or truck; and number and initials of the car, truck or other vehicle into which the product or material is reloaded in case the original car or truck is not used.

Regulation 26

§ 95.26 *Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.* Cars, other vehicles, boats, yards, and premises which have been used in the transportation, handling, or storing of restricted import products or materials, other than those contained in tight cases or casks, shall be cleaned and disinfected under the supervision of the Bureau at the time and in the manner hereinafter provided. Except as provided in paragraph (a) following, such cars, other vehicles, and boats shall not be moved in interstate or foreign commerce until they have been so treated.

(a) *Cars to be cleaned and disinfected by final carrier at destination.* Cars required by this order to be cleaned and disinfected shall be so treated by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however, That*

when the products or materials are destined to points at which an inspector or other duly authorized representative of the Bureau is not maintained or where proper facilities cannot be provided, the transportation company shall seal, bill, and forward the cars in which the products or materials were transported to a point to be agreed upon between the transportation company and the Bureau, and the transportation company shall there clean and disinfect the said cars under the supervision of the Bureau.

(b) *Methods of cleaning and disinfection.* (1) Cars, trucks, and other vehicles required by this order to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy by burning or other approved method, clean the exterior and interior of the cars or trucks, and saturate the entire interior surface with a permitted disinfectant.

(2) Boats required by this order to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse from the decks, compartments, and all other parts of the boat used for the transportation of the products or materials covered by this order, and from the portable chutes or other appliances or fixtures used in loading and unloading same, and destroy the litter and other refuse by burning or by other approved methods, and saturate the entire surface of the said decks, compartments, and other parts of the boat with a permitted disinfectant.

(3) Buildings, sheds, and premises required by this order to be disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy the same by burning or other approved methods, and saturate the entire surface of the fencing, chutes, floors, walls, and other parts with a permitted disinfectant.

(c) *Permitted disinfectant.* The disinfectant permitted for use in disinfecting cars, other vehicles, boats, yards, and premises against infection of foot-and-mouth disease and rinderpest is a freshly prepared solution containing not less than one pound avoirdupois of sodium hydroxide of not less than 95 percent purity to each 6 gallons of water. Commercial grades of sodium hydroxide (caustic soda) of less than 95 percent purity or commercial concentrated solutions of caustic soda may be employed, provided that in either case a sufficient quantity be used to insure that the content of the solution in actual sodium hydroxide shall be not less than one pound avoirdupois in each 6 gallons of solution.³

Regulation 27

§ 95.27 *Regulations applicable to products from territorial possessions.* These regulations shall be applicable to all the

³ CAUTION: Great care is necessary in handling sodium hydroxide, as it rapidly destroys organic tissues.

products and materials specified in this order which are offered for entry into the United States from any place under the jurisdiction of the United States to which the animal-quarantine laws of this country do no apply.

[F. R. Doc. 39-3985; Filed, October 27, 1939; 3:18 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 63—REGULAR ARMY RESERVE¹

§ 63.13 *Discharge certificate.* A member of the Regular Army Reserve in inactive status, upon his discharge from the service under honorable conditions, either by expiration of enlistment or prior thereto as authorized, will be given a discharge certificate, W.D., A.G.O. Form No. 185 (Honorable Discharge from the Regular Army Reserve), or if discharged under other than honorable conditions, W.D., A.G.O. Form No. 186 (Discharge from the Regular Army Reserve (blue)), signed by such officer as may be designated for the duty by the corps area commander. Inclusive dates of active duty as a Reservist will be shown. If the Reservist was not on active duty during current enlistment in the Regular Army Reserve, the discharge certificate will so state. When discharged while on active duty, the discharge certificate and administrative action will be the same as that prescribed for enlisted men of the Regular Army. (52 Stat. 221; 10 U.S.C. 343) [Par. 18a, AR. 155-5, Feb. 16, 1939, as amended by Sec. I, Cir. 85, W.D., Oct. 27, 1939]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-4004; Filed, October 30, 1939; 9:31 a. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3777]

IN THE MATTER OF H. P. CLEARWATER

§ 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (yl) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's medicinal "Rheumatic Arthritis Treatment" preparations, or other similar preparation, which advertisements represent, directly or through implication, that respondent's training,

¹ These regulations supersede section 63.13, Title 10, Code of Federal Regulations (4 F.R. 2069 DI).

education and experience have been such as to enable him to determine the causes of and the correct treatment of and cure for arthritis or rheumatism, or that any theories promulgated by the respondent as to the causes of or method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts, or reflect a consensus or majority of medical opinion, unless and until such is the fact, or that rheumatism or arthritis are caused by circulating poisons in the blood, due to constipation, faulty metabolism, or poor physical condition, or that the use of respondent's preparations will eliminate such poisons, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, H. P. Clearwater, Docket 3777, October 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's medicinal "Rheumatic Arthritis Treatment" preparations, or other similar preparation, which advertisements represent, directly or through implication, that respondent's preparations, singly or in combination, constitute a cure or remedy for arthritis, rheumatism, sciatica or lumbago, or constitute an adequate treatment therefor, or have any therapeutic value in the treatment thereof in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief from the pain incident to such diseases, conditions and ailments in some cases, or that the use of said preparations will render the body normal, revitalize tissues, or prevent poisons from entering the system, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, H. P. Clearwater, Docket 3777, October 18, 1939]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Com-

mission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, H. P. Clearwater, his representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement, by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of certain medicinal preparations now designated as the respondent's "Rheumatic Arthritis Treatment", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties when sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent, directly or through implication, that:

1. Respondent's training, education and experience have been such as to enable him to determine the causes of and the correct treatment of and cure for arthritis or rheumatism;

2. Any theories promulgated by the respondent as to the causes of or method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts, or reflect a consensus or majority of medical opinion, unless and until such is the fact;

3. Respondent's preparations, singly or in combination, constitute a cure or remedy for arthritis, rheumatism, sciatica or lumbago, or constitute an adequate treatment therefor, or have any therapeutic value in the treatment thereof in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief from the pain incident to such diseases, conditions and ailments in some cases;

4. The use of respondent's preparations will render the body normal, revitalize tissues, or prevent poisons from entering the system;

5. Rheumatism or arthritis are caused by circulating poisons in the blood, due to constipation, faulty metabolism, or poor physical condition, or that the use of respondent's preparations will eliminate such poisons.

It is further ordered, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and

form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4011; Filed, October 30, 1939; 11:34 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T.D. 49999]

\$100 EXEMPTION ON ARTICLES ACQUIRED IN MEXICO

POSTPONEMENT OF EFFECTIVE DATE OF T. D. 49925 REQUIRING RESIDENTS OF THE UNITED STATES RETURNING FROM MEXICO THROUGH ANY PORT IN COLLECTION DISTRICT 25 (SAN DIEGO) TO REMAIN OUTSIDE THE TERRITORIAL LIMITS OF THE UNITED STATES AT LEAST 24 HOURS TO OBTAIN THE \$100 EXEMPTION ON ARTICLES ACQUIRED IN MEXICO

OCTOBER 26, 1939.

To Collectors of Customs and Others Concerned:

The following telegram was dispatched to the collector of customs, San Diego, California, on October 26, 1939:

"Re T.D. 49925¹ relating to residents of the United States returning thereto through any of the ports in collection district 25 (San Diego). The application of such special regulation which otherwise would become effective on Friday, October 27, is hereby suspended until Friday, December 1, 1939. Signed Henry Morgenthau, Jr."

[SEAL]

BASIL HARRIS,
Commissioner of Customs.

[F. R. Doc. 39-3987; Filed, October 28, 1939; 10:25 a. m.]

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-212]

PART 402—LOAN SERVICE

POLICY AND PURPOSE; ITEMS INCLUDED; RATE OF INTEREST; CO-MAKER AND ENDORSERS LIABILITY; APPLICATION FORM; APPLICATION PREPARATION, INSURANCE

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.13-1, 402.13-2, 402.13-4 and 402.13-5 are deleted, and the following sections substituted:

§ 402.13-1 It is the policy of the Corporation to grant extensions of time for the payment of indebtedness as provided in Section 402.13 on an individual case basis where the circumstances of the home owner, condition of the security, and the best interests of the Corporation justify it. Every effort shall be made to place the home owner in position to

¹ 4 F.R. 3523 DL.

maintain his taxes, insurance premiums and loan or vendee account on a current basis. Extensions may be granted in order to provide further opportunity for rehabilitation or realization of the equity in the property through transfer even though the home owner may not be able to maintain a current status under the terms of such extension if there is, in the opinion of the Regional Manager, a reasonable prospect of his being able to do so.

§ 402.13-2 In connection with the granting of an extension the Regional Manager may authorize advances for the payment of taxes, assessments, other levies or charges, or ground rents. Any extension granted shall embrace all present indebtedness including delinquent principal, interest and all advances previously made or made in connection therewith whether due or not. Payments shall be required in equal monthly installments over a period commensurate with the home owner's circumstances and requirements, but in no event shall the term of payment exceed the period authorized in Section 402.13. While the advantages of liquidating the indebtedness in as short a period as possible should be made known to home owners applying for an extension, no effort shall be made to arbitrarily shorten the time for payment within the limitations of Section 402.13 where the home owner can make a reasonable showing that there is necessity for the maximum period.

In no case shall an extension or change in the payment plan be granted unless the home owner in connection therewith agrees to accumulate with the Corporation, in addition to his regular payments, funds to provide for the payment of taxes, assessments, other levies or charges, or ground rents upon the security property or the property sold, and for the renewal of existing insurance upon such property, or the purchase of such additional insurance as the home owner is required to furnish upon the property. It is not a requirement that precedent to the granting of an extension the home owner be delinquent in any of his obligations to the Corporation.

§ 402.13-5 The instruments used in granting an extension shall provide for interest at the rate applicable to the original obligation. However, in computing the monthly payment to be billed, the amortization shall be based on the rate provided in Section 402.17.

§ 402.13-6 The signatures of co-makers, endorsers and other persons liable with the maker of the obligation, though ordinarily required, may be dispensed with if the Regional Counsel has advised that they will not thereby be released from liability or the Regional Manager has determined that their release from liability will not seriously impair the Corporation's position.

No. 210—2

§ 402.13-8 All applications for extensions shall be made by the home owner on "Application for Extension", Form 193, which contains the agreement of the applicant to accumulate with the Corporation, in addition to his regular payments, funds to provide for the payment of taxes, assessments, other levies and charges, ground rents and insurance premiums. The home owner shall execute Form 193 in triplicate.

§ 402.13-9 The Service Representative shall complete Block I on the reverse side of Form 193 in order to determine the monthly allocation to the Tax and Insurance Account.

It is expected that home owners generally will desire to continue in effect the insurance now held by the Corporation and provision therefor is made on the face of the application Form 193. While the Corporation will only purchase additional insurance when required for its own protection, the home owner may forward any additional policies he may have or purchase to be included with the policies held by the Corporation. If accepted, the Insurance Section will provide for an adjustment to the Tax and Insurance Account to take care of the renewal of the additional insurance. The Service Representative is not authorized to arrange for any reduction in the amount of insurance. If the home owner desires to reduce the amount of insurance, he may make application therefor, in writing, directly to the Regional Office Insurance Section. If such reduction is made, the Insurance Section will provide for an adjustment in the allocation to the Tax and Insurance Account.

(Effective October 1, 1939)

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3996; Filed, October 28, 1939; 11:53 a. m.]

[Administrative Order No. 349]

PART 403—PROPERTY MANAGEMENT

DETERMINATION OF PLAN B SALES TERMS; INTEREST RATE; ADVICE TO ACCOUNTING

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

The penultimate paragraph of Section 403.10-7 is amended to read as follows:

(Effective date October 1, 1939)

Subject to the limitations in this section expressed, the Regional Manager shall determine the terms of payment of Plan B sales, irrespective of the types of instruments used to close such sales. All sums payable to the Corporation under any note, bond, mortgage, trust deed, installment contract or like instrument accepted by it at the closing of a Plan B sale shall bear interest at the rate of 4½% per annum. In Plan B sales, the purchaser shall agree, in such form as the Corporation shall prescribe, to provide for the payment of his annual taxes, assessments, insurance premiums, ground rents and other charges upon the property sold by paying to the Corporation, in addition to all other payments to be made by him and at the several times at which he is obligated to make payments of principal and/or interest on account of the purchase price, additional installment payments at the rate of at least 1/12 per month of such annual taxes, assessments, insurance premiums, ground rents and other charges, as such aggregate is from time to time estimated by the Corporation.

Section 403.10-16 is amended by inserting the following new paragraph at the end thereof: (Effective date October 1, 1939)

After the agreement for the sale of real estate under Plan B has been executed by the Corporation and no later than the receipt of the closed sale file by the Accounting Section the Property Management Division of the State Office, or of the Regional Office when so directed by the Regional Manager, shall cause to be furnished to the Accounting Section its estimate of the amounts for which the purchaser shall be billed on account of his annual taxes, assessments, insurance premiums, ground rents and other charges on the real property sold, such amounts to be payable periodically at the times when the purchaser is required to make payments of principal and/or interest on account of the purchase price. Necessary information with respect to insurance will be obtained from the Insurance Section, and in those cases where the tax information is not readily available such information shall be obtained from the Tax Section.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3999; Filed, October 28, 1939;
11:54 a. m.]

[Administrative Order No. 319]

PART 403—PROPERTY MANAGEMENT

PREPARATION OF FORM PM 412 AND OF AGREEMENT FOR SALE OF REAL ESTATE; EXECUTION OF AGREEMENT IN STATE OFFICE; EXECUTION OF AGREEMENT IN REGIONAL OFFICE; PREPARATION FOR CLOSING

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 403.10-12, 403.10-13, 403.10-15 and 403.10-16 are amended, and Section 403.10-15, as amended, is renumbered 403.10-14 so that the said sections shall read as follows:

§ 403.10-12 The prospective purchaser shall be required to submit a credit statement on Form PM 412 on which the Contract Sales Broker shall endorse his recommendation. The Corporation's approved form of agreement for the sale of real estate will then be prepared. This agreement may be prepared in the Regional, State or District Office, or the Contract Sales Broker may cause such agreement to be prepared. It shall be prepared in quintuplicate and shall be signed by the purchaser in triplicate. When the amount of the purchaser's offer is substantially less than the listing price of the property, the broker may advise the State or District Manager by the quickest means of communication of the amount and terms of the offer, and thereupon the State or District Manager shall promptly advise the broker whether or not the Corporation will consider such amount and terms, but if the amount of the offer is less than the minimum sales price of the property, the State or District Manager shall communicate with the Regional Office to ascertain whether the Corporation will consider such price and terms before so advising the broker. Form PM 412, the original and four copies of the agreement for the sale of real estate, and the prospective purchaser's deposit shall then be transmitted by the broker to the Property Management Division in the State or District Office. Upon receipt of these papers, a credit report shall be obtained by the Property Management Division in the State or District Office from an established credit reporting agency unless such report has previously been ordered. The representations made by the prospective purchaser on Form PM 412 shall be checked by the State or District Manager who shall endorse thereon his decision or recommendation as to the acceptability of the prospective purchaser as a credit risk. In all cases where the cash payment offered by the prospective purchaser is

equal to or in excess of 25% of the purchase price, the credit report may be waived.

§ 403.10-13 Any agreement for the sale of real estate, signed by a purchaser whose credit standing is satisfactory to the Regional, State or District Manager, may be executed in triplicate on behalf of the Corporation in the State Office when the amount of the offer is not less than the minimum sales price and the terms thereof conform to the regulations. Any agreement for sale which is signed by the prospective purchaser and which may be executed hereunder on behalf of the Corporation in the State Office shall, when received in the District Office, be promptly transmitted to the State Property Management Division, together with Form PM 412 and all other pertinent instruments in the case; all other agreements for sale which the District Manager recommends for acceptance by the Corporation, together with said form and instruments, shall be promptly transmitted by the District Office direct to the Regional Property Management Division. Prior to its execution in the State Office, the agreement may be referred to the State Counsel for advice as to its legal sufficiency and the time therein provided for closing. Upon the execution of such agreement on behalf of the Corporation in the State Office, an executed copy thereof shall be promptly transmitted to the Regional Sales Supervisor. At the same time, one executed copy of such agreement shall be transmitted to the purchaser, and the District Property Management Division and the Contract Sales Broker shall be notified of the execution of the agreement by the Corporation. When the executed agreement for sale provides that the Corporation shall furnish title evidence in addition to that then held by it, the State Sales Supervisor shall at the same time transmit to the State Counsel all title evidence in the case which is available in the State Office and the original executed agreement for sale.

§ 403.10-14 If an agreement for the sale of real estate has been signed by the prospective purchaser but cannot under the regulations be executed on behalf of the Corporation in the State Office, the State or District Property Management Division shall transmit the original and all copies of such agreement, together with Form PM 412 and all other pertinent instruments in the case, to the Regional Property Management Division. Such agreement may be referred to the Regional Counsel for advice as to its legal sufficiency and the time therein provided for closing. If the credit standing of the prospective purchaser is satisfactory to the Regional, State or District Manager and the amount and terms of the offer are in the judgment of the Regional Manager acceptable to the Corporation, such agreement may be executed in triplicate on behalf of the Corporation in the Re-

gional Office. Upon the execution of such agreement on behalf of the Corporation in the Regional Office, the original and all copies thereof shall be promptly transmitted to the Regional Sales Supervisor, who shall promptly transmit one executed copy thereof to the purchaser and advise the State and District Property Management Divisions and the Contract Sales Broker of the execution of the agreement by the Corporation. When the executed agreement for sale provides that the Corporation shall furnish title evidence in addition to that then held by it, the Regional Sales Supervisor shall at the same time transmit or cause to be transmitted direct to the State Counsel all title evidence in the case which is available in the Regional Office and the original executed agreement for sale.

§ 403.10-16 Promptly upon its receipt of an executed copy of the agreement for the sale of real estate, whether the same has been executed on behalf of the Corporation in the State or Regional Office, or upon the request of the State Property Management Division, the Regional Property Management Division shall obtain and transmit to the State Property Management Division all title evidence, instruments and insurance, tax and other information which are available in the Regional Office in pursuance of the general advices of the Regional Counsel. If the agreement was executed on behalf of the Corporation in the Regional Office, both unexecuted copies of such agreement shall also be transmitted to the State Property Management Division, together with the original agreement, unless such original has theretofore been furnished to the State Counsel for the purpose of obtaining additional title evidence as is provided in Section 403.10-14.

The Regional Counsel will advise the Regional Manager generally of the title evidence, instruments and insurance, and other information which the Property Management Division shall assemble in order to enable the Legal Department to close sales in each jurisdiction within the Region.

Promptly upon its receipt of the title evidence, instruments and information available in the Regional Office, the State Property Management Division shall supply any missing material which the Property Management Division is required to assemble pursuant to the general advices of the Regional Counsel. Other necessary title evidence, tax information and other missing items required by the regulations to be furnished by the Legal Department shall be obtained or caused to be obtained by the State Counsel.

(Effective October 24, 1938)

The former Section 403.10-14 is renumbered 403.10-15.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4

(a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3997; Filed, October 28, 1939;
11:54 a. m.]

[Administrative Order No. 318]

PART 403—PROPERTY MANAGEMENT

DISPOSITION OF DEPOSIT

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.10-14 was amended to read as follows:

Deposits of prospective purchasers received by the State Property Management Division shall be properly identified and retained in safekeeping by the State Manager who shall maintain an adequate register of them. Such deposit items shall be so retained by the State Manager until he has reached a decision as to the disposition to be made of the offer of the prospective purchaser. If the amount and terms of the offer permit the State Manager to accept the offer and he determines to accept it, he shall, promptly after the execution of the agreement for sale on behalf of the Corporation, transmit such deposit item to the Collection Cage for deposit and receive from the Collection Cage a receipt of such deposit on original of Form 107 or duplicate of Form 716, which receipt will accompany the sale file when it is transmitted to the Regional Office. If no such deposit facilities are available in the State Office, the deposit item will be transmitted to the Regional Office for deposit. If the State Manager under the regulations is not authorized to accept the particular offer, but he recommends acceptance to the Regional Office, such deposit item together with the sale file shall immediately be transmitted to the Regional Office for safekeeping of the item by the Regional Treasurer: *Provided*, That if the State Manager submits the amount and terms of the offer to the Regional Office by wire or other expeditious means without transmitting the sales file, the deposit shall remain in safekeeping in the State Office until the Regional Office authorizes acceptance or rejection of the offer. If the Regional Office authorizes acceptance, the deposit item shall be handled as above for accepted offers. If the Regional Office directs rejection of the offer or if the offer is rejected by the State Manager, he shall promptly return such deposit item to the party or parties entitled thereto and advise the broker and all interested parties of such rejection.

Such deposit items as are received by the State or District Manager in cash, shall be transmitted to the Collection Cage for deposit as provided for accepted offers where such facilities are available. Where such deposit facilities are not available, the cash shall, prior to mailing, be converted by the State or District Manager into a cashier's check and the expense, if any, of such conversion shall be paid as Corporation Expense from the Incidental Expense Account. Refunds for such cash deposits may be made immediately upon rejection of the offer by the State Manager in accordance with established procedure.

Deposits of prospective purchasers transmitted to the Regional Office for safekeeping and received by the Regional Treasurer will be retained in safekeeping by him. In lieu of the deposit item retained, the Regional Treasurer shall promptly furnish a brief description of the item to the Regional Property Management Division. Where deposit items are received direct by the Property Management Division in the Regional Office, they shall be properly identified and promptly turned over for safekeeping to the Regional Treasurer, who shall receipt for same. Upon advice from the Regional Manager that the agreement for sale has been executed on behalf of the Corporation, the Regional Treasurer shall promptly deposit such item; upon advice from the Regional Manager that the agreement for sale has been rejected by the Corporation, the Regional Treasurer shall promptly transmit such safekeeping item to the Regional or State Sales Section, from which he received it, and the Regional or State Sales Section shall thereupon promptly return such deposit to the party entitled thereto, and advise the broker and all other interested parties of such rejection.

(Effective September 26, 1938)

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3998; Filed, October 28, 1939;
11:54 a. m.]

[Administrative Order No. 230]

PART 406—LEGAL

SETTLEMENT OF PERSONAL INJURY CLAIMS IN NEW YORK REGION

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

A deviation from the provisions of Section 406.03-6 is authorized, applicable

only to the New York Region, reading as follows: (Effective October 20, 1939)

Notwithstanding the provisions of Section 406.03-6 (and in addition to the authority for settlements of property damage claims, or of other items now included in Section 406.03-6), the Regional Counsel at New York, with the approval of the Regional Manager at New York, may settle, adjust or compromise any personal injury claims made against the Corporation in Region No. 1, provided such settlement can be made within a limit of \$150.00, and provided further that no settlement shall be made where Regional Counsel is of the opinion there is no legal liability on the part of the Corporation. The original authorization settling such claim shall be furnished to the Regional Accountant, with a copy to the General Counsel.

The Regional Counsel and the Regional Manager shall make such reports of claims so handled as shall be required by the General Counsel or General Manager, respectively.

(This should be inserted and appropriately identified as a footnote to the last paragraph of Section 406.03-6)

(Above procedure promulgated by General Counsel with the approval of the General Manager pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-3994; Filed, October 28, 1939;
11:53 a. m.]

[Administrative Order No. 225]

PART 406—LEGAL

CONVERSION OF INSTALLMENT CONTRACTS INTO SECURITY INSTRUMENTS—NEW YORK

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

By special Administrative Order, a deviation is authorized from the provisions of Sec. 406.16-11 of the Code, which is applicable only to the Counties of Kings, Queens, Bronx, New York, Richmond and Westchester, in the State of New York, which special order reads as follows: (Eff. October 3, 1939)

When, in the judgment of the New York Regional Counsel, it is to the best interests of the Corporation so to do, he, or at his direction, salaried personnel of the Legal Department of the New York Regional Office, may close and duly report transactions effecting the conversion of installment contracts or similar instruments into mortgages and bonds or other security instruments on properties situated in the following Counties in New

York: Kings, Queens, Bronx, New York, Richmond and Westchester, without reference to approved attorneys or title companies.

Except as is herein otherwise provided, the provisions of Manual article 616-11 shall remain in full force and effect within the State of New York.

(This should be inserted and appropriately identified as a foot note to Sec. 406.16-11)

(Above procedure promulgated by General Counsel with the approval of the General Manager pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CARLSEN,
Assistant Secretary.

[F. R. Doc. 39-3995; Filed, October 28, 1939; 11:53 a. m.]

PART 410—PURCHASE AND SUPPLY

SALES OF NON-EXPENDABLE AND EXPENDABLE PROPERTY

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.06 is amended to read as follows:

Sale of non-expendable property and sale or other disposition of expendable property (including waste paper) may be made by the Director of the Purchase and Supply Section with the prior approval of the General Manager. The General Manager shall render monthly reports to the Board of Directors covering all such transactions. The provisions of this Section shall not apply to obsolete forms or to law books, law periodicals, law publications, and like materials for law libraries.

(Effective October 16, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on October 9, 1939.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-4000; Filed, October 28, 1939; 11:55 a. m.]

[Administrative Order No. 1019]

PART 410—PURCHASE AND SUPPLY

SALES OF NON-EXPENDABLE AND EXPENDABLE PROPERTY

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.06-1 is amended to read as follows: (Effective date October 16, 1939)

Competitive bids for the sale of expendable property (including waste paper) and non-expendable property shall be obtained on Form 629. Bids for the sale of expendable property and waste paper shall be secured on a lump sum basis when feasible.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL]

H. CAULSEN,
Assistant Secretary.

[F. R. Doc. 39-4001; Filed, October 28, 1939; 11:55 a. m.]

TITLE 29—LABOR

CHILDREN'S BUREAU

[Regulation No. 14]

CHILD LABOR

PART 402—ACCEPTANCE OF STATE CERTIFICATES

OCTOBER 26, 1939.

§ 402.1 *Designation of States.*¹ Pursuant to the provisions of section 401.5² I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

Alabama	Kansas
Arizona	Kentucky
Arkansas	Maryland
California	Massachusetts
Colorado	Michigan
Connecticut	Minnesota
Delaware	Missouri
District of Columbia	Montana
Florida	Nebraska
Georgia	New Hampshire
Illinois	New Jersey
Indiana	New Mexico
Iowa	New York

¹ This regulation replaces sections 402.1 through 402.10, which were also designated as Child Labor Regulations Nos. 2, 4, 6, 7, 8, 9, 10, 11, 12, and 13, and were published in 3 F.R. 2500, 2533, 2627, 2693, and 2773, and 4 F.R. 382, 1687, 3328, 3339, and 3704, DI, respectively. Nos. 2 and 4 were republished in 4 F.R. 1391 DI.

² Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2487 DI; republished in 4 F.R. 1361 DI.

North Carolina	Tennessee
North Dakota	Utah
Ohio	Vermont
Oklahoma	Virginia
Oregon	Washington
Pennsylvania	West Virginia
Rhode Island	Wisconsin
South Dakota	Wyoming

This designation shall be effective from November 1, 1939, until June 30, 1940.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39-4012; Filed, October 30, 1939; 12:19 p. m.]

TITLE 50—WILDLIFE

BUREAU OF BIOLOGICAL SURVEY

PART 21—INDIVIDUAL NATIONAL WILDLIFE REFUGES: PACIFIC REGION

ORDER PERMITTING FISHING WITHIN THE COLD SPRINGS RESERVATION, OREGON

§ 21.171 Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222-16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, until further notice, in accordance with the provisions of the regulations dated November 23, 1937,¹ for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, fishes may be taken for non-commercial purposes, and by hook and line only, from the waters of the Cold Springs Reservation, Oregon, subject to conditions and restrictions herein specified.

§ 21.171 (a) *Waters open to fishing.* All waters within the reservation shall be open to fishing insofar as such fishing is not inconsistent with the primary object for which the reservation was established. No fishing of any kind will be permitted within the reservation during the migratory-waterfowl hunting season. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of these waters is unduly depleting any species of fishes therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of the Interior.

§ 21.171 (b) *State fishing laws.* Any person who fishes within the reservation must comply with the applicable fishing laws and regulations of the State of Oregon, and in the absence of a State law or regulation in respect to the fishing season and the number and size of fishes that may be taken the Chief of the Bureau of Biological Survey may fix such seasons and limits.

¹ 2 F.R. 2537 (2951 DI).

§ 21.171 (c) *Fishing permits.* Any person exercising the privilege of fishing within the reservation shall be in possession of a valid fishing license issued by the State of Oregon, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the State Game Commission of the State of Oregon authorized to enforce the game and fish laws of the State or to any representative of the Bureau of Biological Survey.

§ 21.171 (d) *Routes of travel.* Persons entering the reservation for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the reservation.

§ 21.171 (e) *Use of motor boats.* The use of motor boats, either inboard or outboard, is prohibited on all waters of the reservation except for official purposes.

Approved: October 19, 1939.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 39-3986; Filed, October 28, 1939;
9:17 a. m.]

PART 21—INDIVIDUAL NATIONAL WILDLIFE REFUGES: PACIFIC REGION

ORDER PERMITTING FISHING WITHIN THE MCKAY CREEK BIRD REFUGE, OREGON

§ 21.623 Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222—16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, until further notice, in accordance with the provisions of the regulations dated November 23, 1937, for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, fishes may be taken for noncommercial purposes, and by hook and line only, from the waters of the McKay Creek Bird Refuge, Oregon, subject to conditions and restrictions herein specified.

§ 21.623 (a) *Waters open to fishing.* All waters within the refuge shall be open to fishing insofar as such fishing is not inconsistent with the primary object for which the refuge was established. No fishing of any kind will be permitted within the refuge during the migratory-waterfowl hunting season. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of these waters is unduly depleting any species of fishes therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of the Interior.

§ 21.623 (b) *State fishing laws.* Any person who fishes within the refuge must

comply with the applicable fishing laws and regulations of the State of Oregon, and in the absence of a State law or regulation in respect to the fishing season and the number and size of fishes that may be taken the Chief of the Bureau of Biological Survey may fix such seasons and limits.

§ 21.623 (c) *Fishing permits.* Any person exercising the privilege of fishing within the refuge shall be in possession of a valid fishing license issued by the State of Oregon, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the State Game Commission of the State of Oregon authorized to enforce the game and fish laws of the State or to any representative of the Bureau of Biological Survey.

§ 21.623 (d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge.

§ 21.623 (e) *Use of motor boats.* The use of motor boats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

Approved, October 23, 1939.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 39-4005; Filed, October 30, 1939;
9:31 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 31, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers

are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Harwood Manufacturing Corporation,
Marion, Virginia.

S. Liebovitz & Sons, Inc., Mercersburg,
Pennsylvania.

S. Liebovitz & Sons, Inc., Salisbury,
Maryland.

Linda Lee Manufacturers, Inc., 350
Douglas Road, Coral Gables, Florida (2
learners).

Newton Glove Manufacturing Com-
pany, Ashe Avenue, Newton, North Caro-
lina.

Nora Lee Lingerie Company, Church
Street, Granville, New York (5 learners).

Signed at Washington, D. C., this 30th
day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-4013; Filed, October 30, 1939;
12:34 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 31, 1939, to April 30, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certifi-

¹ 2 F. R. 2537 (2951 DI).

cates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Oscar Nebel Company, Staunton, Virginia, 11.

Oscar Nebel Co., Inc., Verona, Virginia, 21.

Oscar Nebel Company, Winchester, Virginia, 29.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-4014; Filed, October 30, 1939; 12:34 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 31, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of

these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Aberle, Inc., Philadelphia, Pennsylvania (12 learners).

Collegedale Hosiery Mill, Collegedale, Tennessee (60 learners).

Colonial Knitting Mills, Inc., Clearfield & B Streets, Philadelphia, Pennsylvania (2 learners).

Doster Hosiery Mill, Milton, Delaware (5 learners).

Fulton Silk Hosiery Mills, Inc., 509 Fulton Street, Indianapolis, Indiana (5 learners).

Hagerstown Hosiery Company, Inc., Hagerstown, Maryland (2 learners).

Knitwell Hosiery Mills, Inc., Montgomeryville, Pennsylvania (5 learners).

Mayfair Hosiery Finishers, Inc., Chester, Pennsylvania (5 learners).

National Silk Hosiery Mills, Inc., 502 North Davidson Street, Indianapolis, Indiana.

O. E. Kearns & Son, Inc., South Hamilton Street, High Point, North Carolina.

Saybrook Hosiery Company, Williamstown, New Jersey (5 learners).

Sportswear Hosiery Mills, Philadelphia, Pennsylvania.

Thompson Hosiery Mills, Milroy, Pennsylvania (5 learners).

Wel-Wear Hosiery Mill, Oley, Pennsylvania (2 learners).

York United Hosiery, Inc., York, Pennsylvania (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of October 1939.

MERLE D. VINCENT,
Chief, Hearings and
Exemptions Section.

[F. R. Doc. 39-4015; Filed, October 30, 1939; 12:34 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5780]

IN RE APPLICATION OF BROADCASTING CORPORATION OF AMERICA (NEW)

Dated, April 17, 1939, for Construction Permit; Class of Service, Broadcast;

Class of Station, Broadcast; Location, Riverside, Calif.; Operating Assignment Specified: Frequency, 1390 kc.; Power, 1 kw. Night, 1 kw. Day; Hours of Operation, Unlimited (Contingent on Grant of Application of KOY for New Frequency)

[File No. B5-P-2296]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station;
2. To determine the type of program service the applicant proposes to render;
3. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., Richard T. Sampson (B5-P-2393); Mollin Investment Company (B5-P-2464); and Merced Broadcasting Co. (KYOS) (B5-P-2545) and
4. To determine whether public interest, convenience and necessity would be better served by the granting of the above application or the application of Richard T. Sampson (B5-P-2393) or the application of Mollin Investment Company (B5-P-2464), or by the denial of all of said applications.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasting Corporation of America,
Evans Building,
Riverside, Calif.

Dated at Washington, D. C. October 26, 1939.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-4002; Filed, October 28, 1939; 12:15 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the

City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3839]

IN THE MATTER OF PRUDENTIAL SALES CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 24, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3988; Filed, October 28, 1939; 11:08 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3845]

IN THE MATTER OF ROSE GREENBERG, INDIVIDUALLY, AND TRADING AS CENTRAL STATES SUPPLY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin

on Monday, November 13, 1939, at one o'clock in the afternoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3989; Filed, October 28, 1939; 11:08 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3855]

IN THE MATTER OF U-NEED CANDY COMPANY, INC., A CORPORATION, AND LOUIS J. WEGER, MRS. LOUIS J. WEGER, AND CHARLES R. HOSEY, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, November 25, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 209, Federal Building, South Bend, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3990; Filed, October 28, 1939; 11:08 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3882]

IN THE MATTER OF UNIVERSAL INDUSTRIES, INC., A CORPORATION, AND ABRAHAM LEONARD KOOLISH, MRS. IDA B. KOOLISH AND GEORGE WILLIAM EHRLICH, INDIVIDUALLY AND AS OFFICERS AND DIRECTORS OF UNIVERSAL INDUSTRIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 22, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3991; Filed, October 28, 1939; 11:09 a. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3902]

IN THE MATTER OF MARTIN BENJAMIN ROTHMAN, AN INDIVIDUAL, TRADING AS ESQUIRE PRODUCTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, November 17, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3992; Filed, October 28, 1939;
11:09 a. m.]

INTERSTATE COMMERCE COMMISSION.

CANCELATION OF PARTICIPATION IN AGENCY TARIFFS

OCTOBER 30, 1939.

To All Motor Carriers Subject to Section 217 of the Motor Carrier Act, 1935:

So many tariff complications and possibly unwitting violations of the law result from the cancellation of the participation of motor carriers in agency tariffs, including classification publications, that it is necessary to call the attention of all interstate common carriers by motor vehicle and their publishing agents to their obligations in this respect.

The law requires that all common carriers shall file with the Commission, and keep open to public inspection tariffs containing all their rates, fares, and charges for transportation and all services in connection therewith. Many carriers have complied with this obligation by participating in agency tariffs filed by agents who act in accordance with the by-laws of bureaus, conferences, or other organizations of motor carriers. Upon failure of a carrier to pay the established dues of such organization, or to comply with the by-laws, in many instances the agent proceeds to cancel the carrier's participation in the agency issues. Such cancellation makes the use of rates in such tariffs by that carrier unlawful. It is likewise unlawful for common carriers to perform interstate transportation without lawful rates on file covering the services performed. Therefore, the carrier must arrange to establish, effective on the same date that its participation in the agency issue is canceled, rates for the transportation services which it may lawfully perform and for which it does not otherwise have rates filed.

An individual carrier may publish its own tariffs to take the place of those formerly published by its agent, or it may arrange to have its rates published by another agent, or republished by the agent who canceled them.

A tariff containing a classification of commodities is actually a part of any

class rate tariff which is made subject to such classification tariff. Therefore, a carrier that is a party to a rate tariff which refers to a classification tariff must also be a party to the classification tariff.

If a carrier's participation in a classification tariff is canceled, that carrier's class rate tariff then becomes incomplete because there is no proper method of determining the commodities upon which the various class rates apply. Therefore, if a carrier's participation in the classification tariff is canceled, it is necessary that the carrier publish an individual classification of commodities, or arrange for participation in some other classification tariff, or be reinstated in the tariff from which it has been canceled. In instances where a carrier elects to use a different classification, it will be necessary for the carrier to correct each of its class rate tariffs to provide reference to the new classification tariff to which the rate tariffs are made subject.

It should not be assumed that the Commission will grant special permission for the reestablishment of canceled carrier rates or reinstatement of canceled carrier participation in agency issues on short notice when the carrier's participation has been canceled because of a controversy between a carrier and its agent, bureau, or association. Therefore, any agent who proposes to cancel the participation of a carrier in his class tariff or classification should notify the carrier of such proposed cancellation sufficiently in advance of the effective date thereof to permit the carrier to file an individual tariff or arrange with another agent for the publication of its rates on full statutory notice, effective on the same date as that of cancellation. The agent should also furnish the carrier with a sufficient number of copies of the canceling publication to permit proper posting.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-4016; Filed, October 30, 1939;
12:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

[File No. 32-168]

IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

SUPPLEMENTAL ORDER, INTERVENTION IN PROCEEDING, ETC.

New York Power and Light Corporation, a direct subsidiary of Niagara Hudson Power Corporation, and an indirect subsidiary of The United Corporation, a registered holding company, hav-

ing filed an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) thereof of the issue and sale by New York Power and Light Corporation of \$66,582,000 principal amount of its First Mortgage Bonds, 3¾% Series due 1964, to a group of thirteen insurance companies, said bonds to be issued under the Indenture securing New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and a Supplemental Indenture dated as of August 1, 1939;

A reconvened public hearing on the amended application having been duly held after appropriate notice; Niagara Hudson Power Corporation having filed an application to intervene in the proceeding; no representatives of investors or consumers or members of the public having appeared or requested an opportunity to be heard; applicant having waived a Trial Examiner's report, submission to it of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings herein and the entry of this order; and the Commission having as of the date hereof made and filed its findings herein;

It is ordered, That the application of Niagara Hudson Power Corporation to intervene as a party in this proceeding be and hereby is granted;

It is further ordered, That the said issue and sale by New York Power and Light Corporation of its First Mortgage Bonds, 3¾% Series due 1964 in the proposed amount as set forth above be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the issue and sale by New York Power and Light Corporation of its Bonds of the 3¾% Series due 1964, and other aspects of its refunding program, will be effected in accordance with the terms and conditions of, and for the purposes represented by, its application, as amended, and in accordance with the terms and conditions of the order dated October 4, 1939 of the Public Service Commission of the State of New York as amended by the further order dated October 18, 1939;

(2) That if the express approval of the Public Service Commission of the State of New York of the issue and sale by New York Power and Light Corporation of its Bonds of the 3¾% Series due 1964, shall be revoked or otherwise terminated in whole or in part, this approval of the said transaction shall immediately terminate to the same extent without further order of this Commission;

(3) That within 10 days after consummation of said issue and sale by New York Power and Light Corporation of its Bonds

of the 3¾% Series due 1964 and the acquisition by said Corporation of Bonds of the 4½% Series due 1967, respectively, said Corporation shall file with this Commission Certificates of Notification showing that the transactions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said Corporation's application and in accordance with the terms and conditions of the order dated October 4, 1939, of the Public Service Commission of the State of New York as amended by the further order dated October 18, 1939; and

(4) That New York Power and Light Corporation and Niagara Hudson Power Corporation shall not, without the consent of this Commission, withdraw the applications filed with this Commission regarding the issuance and acquisition of 192,105 additional shares of no par common stock of New York Power and Light Corporation in elimination of its open account indebtedness of \$20,550,000 owed to the Niagara Hudson Power Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4006; Filed, October 30, 1939;
11:15 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 32-179]

**IN THE MATTER OF PORTLAND GAS & COKE
COMPANY**

ORDER GRANTING EXEMPTION

Portland Gas & Coke Company, a subsidiary company of American Power & Light Company, a registered holding company, and an indirect subsidiary company of Electric Bond and Share Company, a registered holding company, having duly filed with this Commission an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act with respect to (1) the extension for ten years of the maturity of \$9,674,000 principal amount of its First and Refunding Mortgage Five Per Cent Gold Bonds, due January 1, 1940 (including \$3,000,000 principal amount pledged as collateral under the company's First Lien and General Mortgage) and \$3,000,000 principal amount of its First Lien and General Mortgage Gold Bonds, Series of "4½s Due 1940", and (2) the issuance and sale of 6,000 additional shares of common stock to American Power & Light Company for a cash consideration of \$600,000; and

A hearing on said amended application having been duly held after appropriate notice; the record in this matter having

been duly examined; and the Commission having made and filed its findings herein:

It is ordered, That the extension of maturity of the aforesaid bonds and the issue and sale of the aforesaid common stock be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the transactions shall be executed in compliance with the terms and conditions of, and for the purposes represented by, the amended application; and

(2) That the exemption shall immediately terminate without further order of this Commission if, at any time, the authorization by the Public Utilities Commissioner of Oregon or by the Department of Public Service of Washington shall be revoked or shall otherwise terminate; and

(3) That any modification of the deposit agreement or extension plan or of the soliciting literature shall be submitted to the Commission in advance, and the Commission reserves jurisdiction to consider the terms thereof; and

(4) That any supplemental indentures to be executed in connection with the extension plan shall be submitted to the Commission prior to execution thereof, and the Commission reserves jurisdiction to consider the terms thereof; and

(5) That except as the Commission may by order or orders from time to time permit, so long as any of the First and Refunding Mortgage bonds or First Lien and General Mortgage bonds are outstanding, the applicant shall not, nor shall any successor or successors of applicant, declare or pay any dividends (other than dividends payable solely in shares of its stock) or make any other distribution on any shares of its preferred or common stock, or make any disbursement for the purchase or retirement of any of its stock, unless the amount expended or accrued by applicant (or any such successor or successors) for maintenance and repairs plus provisions for retirements out of income earned during the period from the close of business on December 31, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement shall equal fifteen per cent. (15%) of the gross operating revenues of applicant (or any such successor or successors) during such period derived from the sale of gas after the deduction therefrom of an amount equal to the cost to applicant of gas purchased and resold, and rentals paid for gas generating, transmission or distribution properties leased by applicant, and payments by applicant for the use of similar properties operated and maintained by others during such period: *Provided, however,* That any transfers to the earned surplus of applicant from net income earned after December 31, 1939, over and above all

such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements out of income earned after December 31, 1939, in satisfying the aforementioned fifteen per cent. (15%) requirement; and

(6) That a copy of the findings and opinion of this Commission shall be furnished concurrently with each initial letter of solicitation transmitted to any bondholder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4007; Filed, October 30, 1939;
11:15 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 43-263]

**IN THE MATTER OF LOUISIANA ICE & ELECTRIC
COMPANY, INC.**

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 15, 1939.

The matter concerned herewith is in regard to the issue and sale by the declarant, a subsidiary of Utilities Stock & Bond Corporation, a registered holding company, of a First Mortgage Note in the principal amount of \$50,000 to the Rural Electrification Administration, said note to bear interest at the rate of 2.73% per annum and to be amortized through monthly installments over a period of twenty years.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4009; Filed, October 30, 1939;
11:15 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 46-170]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY AND SUBSIDIARIES

ORDER AMENDING AN ORDER GRANTING APPLICATIONS, ETC.

The Commission having issued its order dated September 29, 1939, pursuant to Sections 6 (b), 7 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-12D-1 and U-12F-1 promulgated thereunder, granting the applications therein described and permitting the declarations therein described to become effective;

The order having provided that the various transactions involved in the applications and declarations shall be carried out within thirty days; and

The applicants having advised the Commission that although some of the transactions involved in the applications and declarations have been completed, all of the transactions will not be completed within the time limit prescribed by the order; and having requested an extension of thirty days from and after

October 28, 1939, in which to complete the transactions;

It is ordered, That an extension of thirty days from and after October 28, 1939, for the carrying out of the various transactions involved in the applications and declarations, be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4008; Filed, October 30, 1939;
11:15 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1939.

[File No. 47-48]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on November 10, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c)

of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 6, 1939.

The matter concerned herewith is in regard to the proposed acquisition by the applicant of all the assets, property and business of its wholly-owned subsidiary, Lexington Ice Company, upon the dissolution of the latter and the surrender for cancellation by applicant of the Ice Company's capital stock, which constitutes all of its outstanding securities. Such stock is pledged to secure applicant's outstanding First and Refunding Mortgage 5% Gold Bonds, due February 1, 1952. The application states that pursuant to the mortgage securing such bonds, given to Bankers Trust Company, as Trustee, the property of the ice company to be received by applicant will be subjected to the lien of said mortgage by the execution of a supplemental indenture.

Applicant is a subsidiary of Kentucky Utilities Company, a registered holding company, which in turn is a subsidiary of The Middle West Corporation, also a registered holding company.

It is stated in the application that the foregoing transactions will be consummated prior to the proposed liquidation of applicant and the distribution of its assets to Kentucky Utilities Company, as set forth in a declaration and applications now pending before the Commission (File No. 46-175), hearing on which has been ordered held on November 3, 1939, at 10:00 A. M., at the Commission's offices in Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4010; Filed, October 30, 1939;
11:16 a. m.]